

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE	:	CHAPTER 13
	:	
CHERLY A. VAUGHN-CURRY	:	CASE NO: 16-17726ELF
	:	
Debtor	:	
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**DEBTOR'S MOTION PURSUANT TO 11 U.S.C. §1329(a)  
TO MODIFY PLAN**

The Debtor, through counsel, hereby moves to modify the confirmed Chapter 13 plan. In support of this motion Debtor avers:

1. The Debtor filed bankruptcy pursuant to Chapter 13 of the Bankruptcy Code on November 2, 2016.
2. Debtor's Second Amended confirmed plan, as modified by court order, (Doc Nos. 37, 47), provides for Debtor to pay \$1,265.00 per month to the Standing Chapter 13 Trustee (the "Trustee"). The current plan length is sixty (60) months.
3. The plan provides for, among other things, the curing of a prepetition and postpetition arrears on Debtor's first mortgage, held by creditor Bank of America, c/o Carrington Mortgage Services LLC ("Carrington (Claim No.6) and maintenance of direct postpetition payments to Carrington by the Debtor.
4. The plan also provides for payment in full of a second mortgage on Debtor's real property in the amount of \$\$38,748.19, as reflected on Proof of Claim No. 4, filed by Interestate Intrinsic Value Fund, LLC.
5. Debtor has fallen behind on postpetition payments to Carrington in the amount of

\$8,943.89.

6. Debtor fell behind on her direct mortgage payments to Carrington due to unexpected increase in expenses after her daughter was sexually assaulted at her college and moved back into the home.

7. Debtor now proposes the concurrently filed Third Amended Plan, which proposes to pay the above-cited arrears via Trustee disbursement. Debtor's bankruptcy payments to the Trustee are being made via wage garnishment.

8. Debtor has made her January 2020 direct mortgage payment to Carrington.

9. Under the proposed modified plan, the Debtor's monthly payment remains the same and the plan term is reduced to 52 months.

10. Under the proposed modified plan, Debtor will also stop further payments to Claim No. 4 by the Trustee. That creditor will retain its lien rights with respect to the unpaid balance.

11. A plan may be modified to extend the time for such payments and/or to increase or reduce the amount of payments on claims of a particular class. 11 U.S.C. § 1329(a).

12. The plan as modified meets the applicable requirements of the Bankruptcy Code.

WHEREFORE, Debtor prays that the Court grant the Motion to amend the plan to conform to the Third Amended Plan pursuant to 11 U.S.C. § 1329.

/s/ Alfonso Madrid  
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